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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,933	07/31/2003	Christopher A. Rager	8200.758	9497
7590	04/23/2004			
Liniak, Berenato & White Ste. 240 6550 Rock Spring Drive Bethesda, MD 20817			EXAMINER MORROW, JASON S	
			ART UNIT 3612	PAPER NUMBER

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/630,933

Applicant(s)

RAGER, CHRISTOPHER A. 

Examiner

Jason S. Morrow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/31/03</u> | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Objections*

1. Claim 3 is objected to because of the following informalities: In claim 3, lines 1 and 2, the phrase "is separately formed bracket" should be changed to --is a separately formed bracket--. Appropriate correction is required.

### *Drawings*

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, and 7-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Gabbianelli et al.

Re claim 1, Gabbianelli discloses a vehicle frame assembly comprising a first hydroformed vertical pillar member (34), a first hydroformed longitudinal roof rail member (16), the roof rail member and the pillar member meet to form an intersection and cross member (30)

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including a transition flange (101) providing rounded corners at the intersection to receive and enhance a door seal feature of a vehicle frame assembly.

Re claim 2, the transition flange is integrally formed with the cross member (as shown in figure 5).

Re claim 3, the transition flange is a separately formed bracket member attached to the cross member (as seen in figures 4 and 5).

Re claim 4, the separately formed bracket member is a stamped cross member bracket (paragraph 0045, line 6).

Re claim 5, the transition flange wraps at least partly around the longitudinal roof rail member (as can be seen in figure 5, it wraps around the portion that meets the pillar section).

Re claim 7, the cross member is formed by a hydroforming process (paragraph 0022, line 2).

Re claim 8, the transition flange at least partly overlies the first pillar member and the first roof rail member (as seen in figure 5).

Re claim 9, the transition flange wraps above the roof rail member (as seen in figure 4, it extends upwardly).

Re claim 10, the transition flange wraps below the roof rail member (as can be seen in figure 5).

Re claim 11, the transition flange extends in front of the pillar member (as can be seen in figure 5).

Re claim 12, the transition flange extends behind the pillar member (as can be seen in figure 5, it extends toward the back of the pillar).

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Re claim 13, the transition flange provides a relatively flat surface blending into the door seal feature thus creating a smooth transition between the first pillar member and the first roof rail member (see figure 1).

Re claim 14, the cross member extends between the first pillar member and a second pillar member (see figure 1).

Re claim 15, the cross member extends between the first roof rail member and a second roof rail member (see figure 1).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Gabbianelli et al.

Gabbianelli et al. discloses all the limitations of the claim, as applied above, except for the cross member being formed by stamping.

Stamping vehicle parts, instead of hydroforming them, is taught by Gabbianelli et al. (see paragraph 0059).

It would have been an obvious matter of design choice at the time the invention was made to modify a cross member, such as that disclosed by Gabbianelli et al., to be stamped instead of hydroformed since applicant has not disclosed that this particular method of making

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the cross member solves any stated problem or is for any particular purpose and it appears the cross member would perform equally well being hydroformed.

*Conclusion*

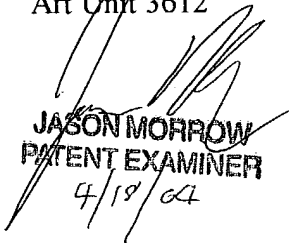
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (703) 305-7803. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 18, 2004

Jason S. Morrow  
Examiner  
Art Unit 3612

  
JASON MORROW  
PATENT EXAMINER  
4/18/04